



# **CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM**

## **PROCUREMENT FORMS**

**Revised 3/2016**



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**Durham, North Carolina 27701**

The Department of Equal Opportunity/Equity Assurance

*Good Things Are Happening In Durham*

## **Equal Business Opportunity Program UBE Procurement Documentation**

All information in this document is applicable as indicated when UBE goals are required. If documents are not submitted, your bid may be deemed non-responsive. Only the Employee Breakdown form is required when there are no UBE goals. Underutilized Business Enterprise (UBE) means a business, including a sole proprietorship, partnership, corporation, limited liability company, joint venture or any other business or professional entity that has been certified by (i) the State of North Carolina as a historically underutilized business (HUB) pursuant to G.S. 143-128.4, as amended; (ii) the North Carolina Department of Transportation as a disadvantaged minority-owned or woman-owned business pursuant to G.S. 136-28.4, as amended; or (iii) the Small Business Administration 8(a) Business Development program of the Small Business Administration of the U.S. Department of Commerce pursuant to 15 U.S.C. 637(a), as amended,

**UBE Participation** On this form, "participation" is the dollar amount of subcontracts for significant goods and services to be used to perform the contract. For instance, if the bidder would enter into a subcontract with UBEs for a total of \$30,000, that would be the UBE participation amount. The sum of UBE participation and non UBE participation should equal the amount of the bid. This form is required for a bid that has participation goals and must be completed and submitted with your bid.

**Employee Breakdown** must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the service/commodity on the City contract, a consolidated employment breakdown must be submitted.

**Statement of Intent to Perform as Subcontractor** The bidder must provide one of these forms for each UBE firm that the bidder would subcontract with if the City awards the contract to the bidder.

**Request to Change UBE Participation After Bid Opening:** If at any time during a City contract, the bidder/contractor proposes to do any of the following :

- to replace a subcontractor,
- to perform subcontracted work with the bidder/contractor's own forces,
- to increase the quantity of subcontracted work,
- to decrease the quantity of subcontracted work, or
- to change the allocation of work among subcontractors,

then the bidder/contractor must make good-faith efforts to attain the goals that it has shown on the UBE Participation form, and the bidder/contractor must fill out the Request to Change UBE Participation After Bid Opening. Substitutions of subcontractors in these circumstances, both before and after the awarding of a contract, are subject to City approval. Consult the City's EO/EA Department on the procedures to follow.

**Questionnaire on Bidder's Good-Faith Efforts** Bidders that do not attain the UBE goals have the responsibility to make good-faith efforts and to demonstrate to the City that they have made such efforts. In determining a bidder's good-faith efforts to engage UBEs, the City Manager shall consider the information supplied by the bidder to answer the questions in this form, along with other criteria that the City Manager deems proper. This questionnaire is an optional tool that bidders may use to show that they have made good-faith efforts. Even though this form may be submitted after the bid opening, it cannot include information on efforts made after the bid opening. Even if a bidder does not use this form, the City will nevertheless attempt to answer the questions on the questionnaire using good-faith documentation supplied by the bidder. Bidders who do not turn in the questionnaire will still find it helpful to know how the City will determine whether good-faith efforts have been made.

## EMPLOYEE BREAKDOWN

### Part A – Employee Statistics for the Primary Location

M-----a-----l-----e-----s

F---e-----m-----a-----l-----e-----s

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

### Part B – Employee Statistics for the Consolidated Company (See instructions for this form on whether this part is required.)

M-----a-----l-----e-----s

F---e-----m-----a-----l-----e-----s

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

## UBE PARTICIPATION ON BID

Name of Bidder: \_\_\_\_\_

Is bidder a UBE (circle one):            Yes                            No

Total dollar amount of UBE participation in bid work: \_\_\_\_\_

***For each row, check one column: E or F, .***

Column A	Column B	Column C	Column D	Column E	Column F
Name of proposed subcontractor for base bid work	Goods and services to be provided for base bid work	Subcontract amount, in dollars, for base bid work	Percentage of total base bid (Column C divided by total base bid)	Minority-owned UBE	Women-owned UBE
		\$	%		
		\$	%		
		\$	%		
		\$	%		

*Attach extra sheets as needed.*

Do the above participation amounts meet the goals on this contract, assuming only the base bid is counted?

☐ **Yes** DG1 ☐ **No**. If the answer is No: (1) the bidder must have made good-faith efforts; (2) the bidder must provide, within 2 business days after bid opening, documentation of good-faith efforts; and (3) the bidder must sign below.

As an authorized representative of the Bidder, I swear or affirm under penalty of fraud that the good-faith efforts documentation submitted with this bid, pertaining to the base bid and all alternates, if any, is correct and not intended to defraud or mislead. After the contract between the City and the Bidder is signed, except to the extent that the City gives prior written approval for changes, the Contractor agrees that it shall engage the subcontractors listed on this form to perform the work for the dollar amounts or percentages described on this form.

\_\_\_\_\_  
**Signature of individual authorized to sign for Bidder**

## STATEMENT OF INTENT TO PERFORM AS SUBCONTRACTOR

Name of **Bidder**: \_\_\_\_\_

Name of **Project**: \_\_\_\_\_

The undersigned firm meets the City of Durham's criteria as a UBE.

The undersigned UBE represents that it will enter into a formal contract with the Bidder to perform the following work in connection with the Project, in the dollar amount or percentage listed below, if the Bidder signs a contract with the City of Durham for the Project.

Describe the work in sufficient detail so that it can be determined whether the UBE's work is a substantial and necessary part of the Project.

<b>Column 1</b> - description of work to be done by undersigned UBE	<b>Column 2</b> - dollar amount of the proposed subcontract between the bidder and the undersigned UBE	<b>Column 3</b> - percentage of Bidder's base bid represented by the proposed subcontract between the Bidder and the undersigned UBE

The undersigned UBE will be ready to begin work on the subcontract on the following date: \_\_\_\_\_

Name of UBE: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address, including Zip Code, of UBE: \_\_\_\_\_ Fax No. \_\_\_\_\_

\_\_\_\_\_  
**Signature of authorized representative of UBE**

Title of the person who signed above: \_\_\_\_\_

What person with the UBE should the City contact with questions about this form or the proposed subcontract?

Name of individual: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Title of individual: \_\_\_\_\_

Email address: \_\_\_\_\_

By submitting this form to the City of Durham, the Bidder represents that if the Bidder signs the contract with the City of Durham for the Project, the Bidder will enter into the subcontract described above with this UBE.

## REQUEST TO CHANGE UBE PARTICIPATION AFTER BID OPENING

Project: \_\_\_\_\_

Name of bidder or contractor: \_\_\_\_\_

Name and title of representative of bidder or contractor: \_\_\_\_\_

Address: \_\_\_\_\_ | Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ | Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Total amount of original contract, before any change orders or amendments: \_\_\_\_\_

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: \_\_\_\_\_

Dollar amount of changes proposed in this form: \_\_\_\_\_

The proposed change (check one) ☐ **increases** ☐ **decreases** the dollar amount of the bidder's/contractor's contract with the City.

Does the proposed change decrease the UBE participation? (check one) ☐ **yes** ☐ **no**

If the answer is **yes**, complete the following:

**BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):** Name of subcontractor: \_\_\_\_\_

Goods and services to be provided before the proposed change: \_\_\_\_\_  
\_\_\_\_\_

Is it proposed to eliminate this subcontract? ☐ **yes** ☐ **no**

If the subcontract is to be increased or reduced, describe the nature of the change (such as adding \$5,000 in concrete work and deleting \$7,000 in grading): \_\_\_\_\_  
\_\_\_\_\_

Dollar amount of this subcontract before this proposed change: \_\_\_\_\_

Dollar amount of this subcontract after this proposed change: \_\_\_\_\_

This subcontractor is (check one):

- ☐ 1. Minority-owned UBE
- ☐ 2. Women-Owned UBE
- ☐ 3. Not a UBE

**BOX B. Proposed subcontracts other than the subcontract described in Box A above**

Name of subcontractor for the new work: \_\_\_\_\_

Goods and Services to be provided by this proposed subcontractor: \_\_\_\_\_

Dollar amount proposed of this proposed subcontract: This subcontractor is:

- ☐ 1. Minority-owned UBE
- ☐ 2. Women-Owned UBE
- ☐ 3. Not a UBE

Add additional sheets as necessary.

*This form is used only if the conditions described in the instructions are present.*

## QUESTIONNAIRE ON BIDDER'S GOOD-FAITH EFFORTS

Name of Bidder:

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*If you find it helpful, feel free to attach pages to explain your answers. How many pages is your firm attaching to this questionnaire? \_\_\_\_\_*  
*questionnaire.)*  
*(Don't count the 2 pages of this*

If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.

### 1. SOLICITING UBEs.

(a) Did your firm solicit, through all reasonable and available means, the interest of all -UBEs (that is, in the list provided by the City-) in the scopes of work of the contract? ☐ **yes** ☐ **no**

(b) In such soliciting, did your firm advertise? ☐ **yes** ☐ **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**

(c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**

(d) Did your firm attend the pre-bid conference? ☐ **yes** ☐ **no**

(e) Did your firm provide interested UBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**

(f) Did your firm follow up with UBEs that showed interest? ☐ **yes** ☐ **no**

(g) With reference to the UBEs that your firm notified of the type of work to be subcontracted -- Did your firm tell them?

- (i) the specific work your firm was considering for subcontracting? ☐ **yes** ☐ **no**
- (ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**
- (iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

### 2. BREAKING DOWN THE WORK.

(a) Did your firm select portions of the work to be performed by UBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**



**NEGOTIATION.** In your answers to 3, you may omit information regarding UBEs for which you are providing Form E-105.

- (a) What are the names, addresses, and telephone numbers of UBEs that you contacted? **ANSWER:**
- (b) Describe the information that you provided to the UBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**
- (c) Why could your firm not reach agreements with the UBEs that your firm made contact with? Be specific. **ANSWER:**

**3. ASSISTANCE TO UBEs ON BONDING, CREDIT, AND INSURANCE.**

- (a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance?  
☐ **yes** ☐ **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)
- (b) If the answer to (a) is **yes**, did your firm make efforts to assist UBEs to obtain bonds, lines of credit, or insurance?  
☐ **yes** ☐ **no** If **yes**, describe your firm's efforts:. **ANSWER:**
- (c) Did your firm provide alternatives to bonding or insurance for potential subcontractors? ☐ **yes** ☐ **no**  
If **yes**, describe. **ANSWER:**

**4. GOODS AND SERVICES.** What efforts did your firm make to help interested UBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

**5. USING OTHER SERVICES.**

- (a) Did your firm use the services of the City to help solicit UBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**
- (b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit UBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**